

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHAWN HENDERSON,

Plaintiff,

-v.-

CLOVER FIELD,

Defendant.

5:12-CV-708
(GTS/ATB)

APPEARANCES:

SHAWN HENDERSON

Plaintiff, pro se

ANDREW T. BAXTER, United States Magistrate Judge

ORDER and REPORT-RECOMMENDATION

The Clerk has sent to me for review a complaint, together with an application to proceed *in forma pauperis* filed by plaintiff, Shawn Henderson. (Dkt. Nos. 1, 2). Plaintiff has written “Resubmitted” on the first page of his complaint, and it is dated May 5, 2008. (Compl. 1, 6). As indicated by the date on this complaint, plaintiff filed an identical complaint in 2008. *See Henderson v. Clover Field*, No. 5:08-CV-504 (N.D.N.Y. May 12, 2008) (“*Clover Field I*”), Dkt. No. 1). Plaintiff’s complaint in both cases seeks from Clover Field “for services rendered” billions of “Eurodollars,” ownership interest in the International Space Station, ownership interest in “all U.S. Space Satellites and satellite dishes,” repeal of the death penalty, capping prison sentences at 20 years, and “irrevocable and unlimited conjugal rights” for all federal prisoners. (Compl. ¶¶ 6–7; *see also Clover Field I*, Dkt. No. 1, ¶¶ 6–7).

On May 27, 2008, Magistrate Judge George H. Lowe entered an Order and

Report-Recommendation denying plaintiff's application to proceed *in forma pauperis* for failing to supply needed information and additionally pursuant to the "Three Strikes Rule" set forth in 28 U.S.C. section 1915(g). *See Clover Field I*, Dkt. No. 6. Judge Lowe also recommended dismissal of plaintiff's complaint pursuant to 28 U.S.C. sections 1915(e)(2)(B)(i) and 1915A due to the frivolous nature of plaintiff's claims. *Id.* On June 11, 2018, Senior Judge Neal P. McCurn adopted Magistrate Judge Lowe's Report-Recommendation and dismissed plaintiff's complaint. *Clover Field I*, Dkt. No. 8.

Nothing has changed in plaintiff's complaint, and Judge Lowe's analysis remains correct. Accordingly, for the same reasons given by Judge Lowe, plaintiff's application to proceed *in forma pauperis* is denied, and his complaint should be dismissed pursuant to 28 U.S.C. sections 1915(e)(2)(B)(i) and 1915A.

WHEREFORE, based on the findings above, it is

ORDERED, that plaintiff's application to proceed *in forma pauperis* (Dkt. No. 2) is **DENIED**, and it is

RECOMMENDED, that the complaint be **DISMISSED IN ITS ENTIRETY WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c), the parties have fourteen (14) days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW.** *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993) (citing

Small v. Secretary of Health and Human Services, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72.

Dated: May 2, 2012


Hon. Andrew T. Baxter
U.S. Magistrate Judge